

**Proposed Rule**  
LSA Document #12-581

DIGEST

Adds [60 IAC 4](#) to regulate the commercial use of governmental records of the state. Effective 30 days after filing with the Publisher.

**IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses**

**60 IAC 4**

SECTION 1. [60 IAC 4](#) IS ADDED TO READ AS FOLLOWS:

**ARTICLE 4. COMMERCIAL USE OF GOVERNMENTAL RECORDS OF THE STATE**

**Rule 1. Definitions; Application**

**60 IAC 4-1-1 Definitions**

**Authority:** [IC 5-14-3-3](#); [IC 5-15-5.1-20](#)  
**Affected:** [IC 5-15-5.1-1](#); [IC 5-14-3-2](#)

**Sec. 1. Unless the context clearly requires another meaning, the following definitions apply throughout this article:**

- (1) "Commission" has the meaning set forth in [IC 5-15-5.1-1](#).
- (2) "Person" has the meaning set forth in [IC 5-14-3-2\(k\)](#).

*(Oversight Committee on Public Records; [60 IAC 4-1-1](#))*

**60 IAC 4-1-2 Application of article**

**Authority:** [IC 5-14-3-3](#); [IC 5-15-5.1-20](#)  
**Affected:** [IC 5-15-5.1](#); [IC 5-14-3-3](#)

**Sec. 2. The provisions of this article do not apply to third parties operating under contract with the commission.**

*(Oversight Committee on Public Records; [60 IAC 4-1-2](#))*

**60 IAC 4-1-3 Electronic data received by way of public records request; scope of use**

**Authority:** [IC 5-14-3-3](#); [IC 5-15-5.1-20](#)  
**Affected:** [IC 5-15-5.1](#); [IC 5-14-3-3](#)

**Sec. 3. Any person receiving electronic data from the commission by way of a public records request, or from the beneficiary of a public records request, may not:**

- (1) employ the electronic data for commercial use or benefit; or
- (2) transfer the data to another person for the commercial use or benefit of either party.

*(Oversight Committee on Public Records; [60 IAC 4-1-3](#))*

**60 IAC 4-1-4 Penalty for violation**

**Sec. 4. Any person acting in violation of this article may be prohibited by the commission from obtaining further data.**

(Oversight Committee on Public Records; [60 IAC 4-1-4](#))

[Notice of Public Hearing](#)

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